

Message Text

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ACTION DLOS-09

INFO OCT-01 EUR-12 ISO-00 USIE-00 FEA-01 ACDA-07
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DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01
TRSE-00 H-01 INR-07 INT-05 IO-13 JUSE-00 L-03
NSAE-00 NSC-05 NSF-01 OES-07 OMB-01 PA-01 PM-04
PRS-01 SP-02 SS-15 SSO-00 NSCE-00 INRE-00 AGR-05
OIC-02 AF-10 ARA-06 EA-07 NEA-10 /159 W
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O 071704Z MAY 77
FM AMEMBASSY LONDON
TO SECSTATE WASHDC IMMEDIATE 3611

C O N F I D E N T I A L SECTION 01 OF 03 LONDON 07551

PASS FOR D/LOS: FRANK HODSOLL

E.O. 11652: GDS
TAGS: PLOS
SUBJECT: LOS - INTERSESSIONAL CONSULTATIONS
REF: HODSOLL-JAMES TELCON MAY 5

1. AMBASSADOR RICHARDSON VISITED SIX COUNTRIES
FROM APRIL 28 THROUGH MAY 7 TO ASSESS ATTITUDES TOWARD
THE FORTHCOMING SESSION OF UNCLOS AND TO SEEK THEIR
SUPPORT FOR A MODERATE APPROACH TO OUTSTANDING ISSUES,
ESPECIALLY THOSE CONCERNING THE SEABEDS. FOLLOWING IS
A SUMMARY OF DISCUSSIONS CONCERNING COMMITTEE I MATTERS.
IT HAS BEEN CLEARED BY AMBASSADOR RICHARDSON.

2. FRANCE (APRIL 28)

FRENCH OFFICIALS WERE SOMEWHAT SKEPTICAL THAT
THE MOOD OF MODERATION WHICH CHARACTERIZED THE EVENSEN
GROUP CONSULTATIONS IN GENEVA WOULD CONTINUE WHEN THE
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GROUP OF 77 MEET IN NEW YORK AND AT THE RESUMED SESSION
OF THE CONFERENCE. THEY AGREED WITH US VIEWS THAT
CONTRACTS ENTERED INTO WITH THE AUTHORITY SHOULD BE
IMPLEMENTED UP TO THE TIME OF ANY REVIEW OF THE
OPERATION OF THE SEABEDS PROVISIONS OF THE LOS CONVEN-
TION AND BE FOR FULL TERM. THEY EXPRESSED CONCERN,
HOWEVER, ABOUT A REVIEW CLAUSE FOR PART I OF THE

TREATY' ALTHOUGH THEY SEEM TO AGREE IT IS AN IMPORTANT ISSUE TO GAIN SUPPORT FOR THE/PARALLEL SYSTEM. THEY MAINTAINED THAT THE SIGNIFICANCE OF A REVIEW CLAUSE FOR THE SEABEDS PART CANNOT BE ASCERTAINED UNTIL ONE KNOWS HOW PROVISIONS FOR A GENERAL REVIEW OF THE TREATY WILL DEVELOP. IT WAS NOT CLEAR WHETHER THEY WELCOMED THE IDEA OF A SEABEDS REVIEW SINCE IT MIGHT INVITE EXTENSION OF REVIEW TO THE ENTIRE TREATY OR WERE MERELY PREDICTING THAT THAT WOULD HAPPEN. THEY ARGUED THAT THERE MUST BE A WAY TO MODIFY THE ENTIRE TREATY TO KEEP PACE WITH

TECHNOLOGICAL DEVELOPMENTS OTHERWISE NATIONS MIGHT VIOLATE THE TREATY IF THEIR INTERESTS SO DICTATED. THEY INDICATED, HOWEVER, THAT THEY HAVE NOT GIVEN MUCH STUDY TO THE QUESTION OF REVIEW CLAUSES. REGARDING FINANCING THE ENTERPRISE, THE FRENCH ANTICIPATED THE GREATEST DIFFICULTY IN INDUCING THE FINANCE MINISTRY TO AGREE TO A FINANCIAL COMMITMENT TO GUARANTEE LOANS TO THE ENTERPRISE.

3. SAUDI ARABIA (APRIL 30 - MAY 1)

SAUDI ARABIAN OFFICIALS CONFIRMED THAT SAUDI ARABIA UP TO NOW HAD LITTLE INTEREST IN THE SEABEDS AND BY IMPLICATION AGREED WITH OUR ESTIMATE THAT THERE IS UNLIKELY TO BE OIL IN THE DEEP SEABEDS. THEY SHOWED SOME UNCERTAINTY ABOUT THE RELATIVE POSITION OF THE AUTHORITY AND STATES PARTIES AND THEIR NATIONALS IN CONTROLLING SEABED EXPLOITATION, AND ASKED WHICH SIDE WAS TO BE DOMINANT. THEY SEEMED TO BE SATISFIED WHEN WE EXPLAINED THAT THE AUTHORITY WOULD CONTROL SEABED

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MINING ACTIVITIES OF THE ENTERPRISE ON THE ONE SIDE AND THOSE OF STATES AND PRIVATE PARTIES ON THE OTHER. WE

POINTED OUT THE DIRECT CONNECTION BETWEEN GETTING A SATISFACTORY REGIME FOR THE SEABEDS AND THE ACHIEVEMENT OF AN OVERALL TREATY WHICH WOULD SAFEGUARD THE VITAL SECURITY (NAVIGATION) INTERESTS OF SAUDI ARABIA, AND URGED SAUDI ARABIA TO TAKE THE LEAD IN THE ARAB GROUP TO URGE MODERATION SO THAT A CONSENSUS COULD BE REACHED. THEY AGREED TO COOPERATE WITH THE US TO HELP ACHIEVE AN EARLY AGREEMENT ON A TREATY, BUT WERE NOT SPECIFIC ABOUT WHAT ACTIONS THEY MIGHT TAKE. THEY SEEMED TO BE UNDER THE IMPRESSION THAT THE SOVIETS DISAGREED WITH THE US CONCEPTS OF A SEABED REGIME AND WERE WORKING AGAINST US.

4. INDIA (MAY 2)

WE TRIED TO IMPRESS ON THE NEW INDIAN MINISTERS (LAW AND FOREIGN AFFAIRS) THE IMPORTANCE TO INDIA OF EARLY AGREEMENT ON A GOOD TREATY, BUT FOUND THEM

PREOCCUPIED WITH DOMESTIC PROBLEMS, AND CANNOT BE SURE
WHETHER THEY WILL FOCUS ON LOS ISSUES, LET ALONE TAKE
THE MODERATE APPROACH TO SEABEDS ISSUES WHICH WE URGED
ON THEM. SO FAR JAGOTA SEEMS TO CONTINUE TO BE IN

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C O N F I D E N T I A L SECTION 02 OF 03 LONDON 07551

CONTROL OF INDIAN LOS POLICY UNDER THE NEW GOVERNMENT.
HE WAS RIGID IN STICKING TO THE POSITIONS HE HAD TAKEN
AT THE EVENSEN GROUP CONSULTATIONS - THE STAGGER SYSTEM
FOR AWARD OF CONTRACTS FOR EXPLOITATION AND THE
ESTABLISHMENT OF AN EXPERIMENTAL SYSTEM OF EXPLOITATION
ON THE SIDE OF STATES PARTIES AND PRIVATE ENTITIES
WHICH SHOULD BE CHANGED AFTER 20 YEARS IF IT WERE FOUND
NOT TO BE ACHIEVING THE OBJECTIVES SET OUT IN THE
TREATY. HE INSISTED, HOWEVER, THAT SOLUTIONS MUST BE
FOUND, THAT WE CANNOT LET THE CONFERENCE FAIL AND THAT
IT IS BETTER TO HAVE A TREATY THAN NONE.

5. SOVIET UNION (MAY 3-4)

THE SOVIETS REAFFIRMED THEIR SUPPORT FOR A
PARALLEL SYSTEM, INSISTING ON GUARANTEED ACCESS FOR
STATES PARTIES AND THEIR NATIONALS. THE SOVIET UNION
WILL HAVE CHANGES TO PROPOSE IN THE NEW EVENSEN TEXT
OF ARTICLE 22. THEY HAVE TAKEN NO DEFINITE POSITION YET

ON FINANCING THE ENTERPRISE; THE AUTHORITY SHOULD BE
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ABLE TO GET ENOUGH FUNDS FROM THE AWARD OF CONTRACTS FOR
EXPLOITATION. REGARDING A REVIEW CLAUSE, THE SOVIETS

AGREE THAT IT SHOULD BE LIMITED TO SEABEDS EXOLOITATION,
NOT TO OTHER PARTS OF THE TREATY. THE REVIEW CLAUSE
SHOULD BE SO DRAFTED AS TO MAKE CLEAR THE PERMANENT
RIGHT OF STATES PARTIES AND THEIR NATIONALS TO ACCESS
TO THE SEABEDS; THE ESSENCE OF THE SYSTEM MUST NOT BE
AFFECTED BY REVIEW. ON THE ISSUE OF QUOTAS, THE
SOVIETS INSISTED THAT THEIR ATTITUDE DID NOT STEM FROM
CONCERN ABOUT THEIR ABILITY TO DEVELOP THE REQUISITE
TECHNOLOGY BUT RATHER A DESIRE TO ENSURE THAT THE
DEVELOPING COUNTRIES WOULD HAVE SUFFICIENT SITES TO
EXPLOIT WHEN THEY WERE ABLE TO DO SO. THE SOVIET
WILLINGNESS TO ACCOMMODATE THE US WISH TO HAVE MORE
THAN ONE SITE HAD LED THEM TO INTRODUCE THEIR PROPOSAL
FOR SITE ALLOTMENT WHICH THEY HAD CONVEYED TO EVENSEN
AT GENEVA. THE SOVIETS DID NOT SEEM TO HAVE THOUGHT
OUT THEIR PROPOSAL VERY FULLY. THEY AGREED TO CONSIDER
THE QUESTIONS WE PUT TO THEM AND TO CONSIDER OUR
INFORMAL SUGGESTION OF THE POSSIBILITY OF AN ANTI-
DENSITY PROVISION COUPLED WITH A PROCESS FOR APPEAL TO
THE COUNCIL BY A STATE CLAIMING THAT ANOTHER STATE'S

ACTIVITIES HAD PREVENTED IT FROM CONDUCTING MINING. WE
PROMISED TO GIVE THE SOVIETS AN ELABORATION OF OUR IDEAS
BEFORE THE NEW YORK SESSION WITH A VIEW TO FURTHER
BILATERAL CONSULTATION. THE SOVIETS AGREED TO USE
THEIR INFLUENCE WITH THE DEVELOPING COUNTRIES TO
ISOLATE THE EXTREMISTS IN THE GROUP OF 77.

6. NORWAY (MAY 5)

DISCUSSIONS WITH EVENSEN CONCERNED MAINLY
TACTICS AND PROCEDURES FOR THE NEXT SESSION. IT IS HIS
BELIEF THAT ENGO WILL AGREE TO CONTINUATION OF THE
EVENSEN GROUP'S WORK IN NEW YORK DURING THE FIRST TWO
WEEKS OF THE SESSION, PROVIDED THAT WORK GOES ON UNDER
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THE GENERAL UMBRELLA OF COMMITTEE I. ENGO IS APPARENTLY
AGREEABLE TO HOLDING ONE OR TWO FORMAL MEETING OF
COMMITTEE I EACH WEEK WHILE THE EVENSEN GROUP IS
MEETING. EVENSEN INTENDS TO CIRCULATE HIS NEW TEXT OF
THE ARTICLES DISCUSSED AT GENEVA ON MAY 19. THE FIRST

WEEK OF THE EVENSEN GROUP MEETING WOULD DISCUSS THE SYSTEM OF EXPLOITATION AND AFTER IT HAS BEEN THOROUGHLY DISCUSSED EVENSEN WOULD DO ONE MORE DRAFT FOR CONSIDER-

ATION IN THE SECOND WEEK. THERAFTER EVENSEN WOULD DO A FINAL DRAFT FOR FORMAL DISCUSSION. THE EVENSEN GROUP WOULD DEAL FIRST WITH EXPLOITATION AND AFTER IT HAS BEEN COVERED, WOULD TURN TO INSTITUTIONAL ARRANGEMENTS. AFTER ABOUT FIVE WEEKS OF THE NEXT SESSION IT IS EXPECTED THAT THE PRESIDENT SHOULD BE IN A POSITION TO DRAFT A CONSOLIDATED TEXT, DRAWING ON THE ADVICE OF THE MAIN PARTICIPANTS IN THE CONFERENCE. REGARDING THE NEW EVENSEN FORMULATIONS PREPARED AFTER GENEVA WHICH HAD BEEN THE SUBJECT OF DISCUSSIONS WITH VINDENES IN WASHINGTON RECENTLY, EVENSEN AGREED TO CONSIDER CAREFULLY THE IMPORTANT POINTS OF US CONCERN, ESPECIALLY ARTICLE 9 AND THE ISSUE OF QUOTAS.

7. LONDON (MAY 6-7).

THE SOVIETS HAVE INFORMED THE UK THAT THEY AGREE TO A GROUP OF FIVE MEETING BEFORE THE NEXT SESSION. THEY ARE WILLING TO MEET IN NEW YORK ON SUNDAY, MAY 22. THE US AND UK SIDES AGREED TO THIS DATE AND THE UK WILL CONTACT JAPAN; FRANCE APPARENTLY FINDS MAY 22 ACCEPTABLE.

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C O N F I D E N T I A L SECTION 03 OF 03 LONDON 07551

THE BRITISH PROPOSE TO LOBBY A SERIES OF
G-77 COUNTRIES BEFORE THE NEXT SESSION - IN CAPITOLS
AND IN NEW YORK - TO URGE MODERATION IN SUPPORT OF US
EFFORTS ON SEABEDS ISSUES. REGARDING A REVIEW CLAUSE,
THE UK BELIEVES REVIEW SHOULD COVER ONLY SOME PARTS OF
PART I EXCLUDING CERTAIN PARTS. THE UK DOES NOT FAVOR
PROVISION FOR A GENERAL REVIEW OF THE TREATY AS A
WHOLE, BELIEVING THAT THE TREATY SHOULD BE FRAMED TO
STAND THE TEST OF TIME AND BE REVIEWED ONLY WHEN THE
PARTIES ARE ALL READY TO DO SO. REGARDING RESOURCE
POLICY, (ARTICLE 9 (4)(21)) THE UK LEANS TO AN INTERPRE-
TATION WHICH SEES THE PROVISIONS AS A LIMIT ON THE
TOTAL AGGREGATE OF PRODUCTION OVER 20 YEARS TO BE FIXED
AT ONE TIME AND TO BE THE OVERALL TOTAL OF PRODUCTION
FOR 20 YEARS. THEY DO NOT FAVOR MAKING A CALCULATION
ANNUALLY WITH CONTROLS IMPOSED ON ANNUAL PRODUCTION.
THE UK CONSIDERS 6 AS A STICKING POINT, AND BELIEVES
WE SHOULD HOLD FAST ON ARTICLE 9 AS NOW DRAFTED, AND
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ONLY LATER SHOULD WE BE PREPARED TO CONSIDER FIXES SUCH
AS THE US HAS SUGGESTED.

REGARDING FINANCING THE ENTERPRISE, UK
OFFICIALS WILL SHORTLY SEEK AUTHORITY TO OFFER FINANCING
FOR THE INITIAL START-UP OF THE ENTERPRISE AND TO
GUARANTEE LOANS FOR THE ENTERPRISE'S FIRST SITE. THE
DISTRIBUTION OF COSTS SHOULD BE BASED ON THE UN SCALE.

THE UK AGREED TO TRY TO HELP THE US IN REGARD
TO THE QUOTA PROBLEM AND REAFFIRMED ITS MIDDLE POSITION.

THE UK AGREED TO DEFERRING DISCUSSION AT THE
NEXT SESSION OF THE INSTITUTIONAL ASPECTS OF THE
SEABED REGIME UNTIL THE SYSTEM OF EXPLOITATION HAD
BEEN SATISFACTORILY DISPOSED OF.

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